

## SEARCH POLICY

*Our mission is to develop happy, confident and successful children who are well prepared for their future.*

### **1. Introduction**

At Westbrook Hay Prep School, the possession of any items that may cause harm is prohibited. This may include: knives or weapons, alcohol, illegal drugs, stolen items, tobacco, vaping or smoking paraphernalia, fireworks, pornographic material and any article that a member of staff reasonably suspects has been, or is likely to be used to commit a criminal offence, cause personal injury to, or damage to, the property or any person.

In order that the school rules on this can be upheld, it is envisaged that there will be occasions when a requirement arises to search a pupil's possessions. Belongings are not randomly or speculatively searched; searches are only carried out when there are grounds for suspicion and as part of an investigation. In order that Westbrook Hay does not contravene legislation including the Children's Act 1989 the following procedures need to be followed.

### **2. The decision to implement a search**

The decision to implement a search would be based on one of the following and will be carried out with due consideration for Human Rights legislation, Education and Inspections Act 2006 and Employment Act 2011 and National Minimum Standards for Boarding 2015:-

- There is reasonable belief/suspicion that a pupil may be in possession of prohibited items, which could prove harmful to themselves or others.
- It has been discovered that prohibited items have been brought into the school by a pupil or visitor.
- If there is reasonable belief/suspicion that the pupil may be in possession of stolen goods.

The school is not required to inform parents before a search takes place or to seek their consent to search their child's belongings; however, in all cases, parents will be informed of the search and outcome of the search as soon as possible. The Headmaster in conjunction with the Deputy Head and/or the Designated Safeguarding Lead will make decisions as to whether any other agencies need to be involved following a search and confiscation of any prohibited items.

### **3. Types of search**

A search will only be carried out by Senior members of staff (Member of EG, or a Head of Section) with a witness (also a member of staff) present along with the pupil themselves. An additional person may be present if requested by the pupil. Searches without consent or in the absence of a pupil will only be carried out if a member of the EG or a Head of Section has reasonable grounds for suspecting that a pupil may have in their possession a prohibited item. This will be explained to any pupil who does not consent to a search. In such cases the members of staff must consider if the matter is sufficiently serious to proceed, it is recommended that a pupil's parents are informed to see whether they can persuade the pupil to consent to the search. If it is deemed appropriate the search may go ahead or the police may be called. Members of staff can use such force as is reasonable when conducting a search for prohibited items, the nature of the search and force used to be proportionate to the value or "risk factor"

of the item sought, however, staff must not touch a pupil forcibly. The extent of the search will also be proportionate to the likelihood of the item being found.

The types of searches which may be applied include:

- a. Packages brought or sent into school.
- b. Pupil's bags or lockers
- c. Pupil's person.

A search will always take place in the presence of an adult witness and a written record of all searches will be made. This record will set out the main details of the search, including date, time, people present and outcome.

### **3a) Packages that are brought or sent into the school**

Sometimes packages will be sent to the school for pupils and not always have the name of the pupil on the envelope. In a day school this is likely to be rare but it is possible. In this case, the package should be opened by a member of the Admin Team following discussion with a member of EG or a Head of Section with an additional member of staff present and, if possible, the pupil should be identified from the contents. If no evidence of the pupil's name can be found from the package, then the decision about whether it should be kept or disposed of lies with the Headmaster.

On some occasions, pupils will bring prohibited items into school or even have prohibited items sent to them at school through the post. In order to deter this practice staff may ask pupils who have packages delivered to school to open them in front of a member of staff. If the pupil refuses and there are reasonable grounds for suspicion that a package contains a prohibited or stolen item the following procedure will be followed:

- The teacher will confiscate the package
- A member of EG or a Head of Section will authorise a search
- In the presence of another member of staff, the senior member of staff conducting the search will inform the pupil of the reasons for this search
- Ask the pupil if they consent to search
- Give them the opportunity to voluntarily hand over any prohibited items
- Ask the pupil to open the package and put the contents onto a table or suitable surface
- Check through all of the items
- Any prohibited items that are found will be confiscated by the member of the EG or Head of Section
- The pupil can then be asked to pick up their items
- The pupil will be informed what will happen next
- A written record of the search will be made and will set out the main details of the search, including date, time, people present and outcome

### **3b) Searching a pupil's bag or locker**

- A member of EG or Head of Section will authorise a search.
- In the presence of another member of staff, the senior member of staff conducting the search will inform the pupil of the reasons for this search
- Ask the pupil if they consent to search.
- Give them the opportunity to voluntarily hand over the prohibited items.

- Search through the bag (It may be useful to remove things onto another surface as they are searched.)
- Any prohibited items that are found will be confiscated by the member of staff.
- The pupil can then be asked to return their items to their bag.
- The pupil will be informed what will happen next.
- A written record of the search will be made and will set out the main details of the search, including date, time, people present and outcome.

### 3c) Search of a pupil's person

In spite of the wording of legislation (Education Act 2011) personal searches should be avoided save in extremis, as they may lead to allegations of assault. For this reason, members of staff are not permitted to carry out a search of a pupils' person (which includes worn outer garments such as coats). If a pupil is suspected of carrying a prohibited or stolen item the following procedure will be observed:

- A member of EG or Head of Section, in the presence of another member of staff will inform the pupil of their concerns and grounds for suspicion
- Ask the pupil to voluntarily hand over the prohibited items
- Ask them to take all items out of their pockets and put them onto a table or suitable surface. Staff may not ask a pupil to remove clothing, including outer clothing for the purpose of searching it.
- The member of EG or Head of Section would then check through all of the items.
- Any prohibited items that are found will be confiscated by the member of the EG or Head of Section.
- The pupil can then be asked to pick up their items
- The pupil will be informed what will happen next.
- A written record of the search will be made and will set out the main details of the search, including date, time, people present and outcome.

If a pupil refuses to cooperate the school will contact the pupil's parents and discipline the pupil in accordance with the School's Behaviour Management policy. In the case of suspected possession of illegal drugs or weapons, if a search is refused the pupil will be informed that the police will be called. The police may then conduct a personal search if they believe that a crime has been committed, or to prevent harm to themselves or others following an arrest.

### 4. Removal of items confiscated from the pupil

The removal and safe storage / custody of prohibited / stolen items in relation to search procedures should be carried out with the full knowledge of the pupil and with sensitivity to the circumstances of each individual case. All confiscated items must be given to the Headmaster who will then deal with them in an appropriate manner; i.e. the Police would be contacted for drugs or a lethal weapon, items of theft will be returned to their rightful owners and cigarettes and alcohol will be disposed; other items will be locked in a secure location and then dealt with accordingly. This may involve them being returned to the pupil or their parents at the end of term if appropriate - eg confiscated non-perishable food stuffs.

Reviewed by Governing Body in October 2019

Next Review by Governing Body due October 2020

